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ABSTRACT

This report discusses the expanding role of Federal judges as educational policymakers. The report discusses court decisions related to interpretations by the Federal Courts of the U.S. Constitution. The report notes that court decisions have covered the following topics: dress codes, flying of the flag, freedom of speech, unwed mothers, underground newspapers, hair length, location of school buildings, and school bus transportation. The author notes increasing restraint on the part of the courts in influencing educational policy. (JF)

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THE COURTS AS EDUCATIONAL POLICY MAKERS

WHEN I WAS ASKED TO SPEAK ON THIS SUBJECT, AND HAVING SOME LITTLE APPRECIATION OF THE TRULY ENORMOUS INFLUENCE THE COURTS HAVE HAD ON EDUCATIONAL POLICY MAKING IN THE PAST TEN YEARS, I NATURALLY THOUGHT OF MY FAVORITE STORY ABOUT WILL ROGERS. THE STORY GOES THAT WILL ROGERS WAS ASKED BY OUR NAVAL COMMANDERS TO HELP FIND THE SOLUTION TO THE GERMAN U-BOAT PROBLEM IN THE ATLANTIC. HE ADVISED THAT THE SOLUTION TO THE PROBLEM WAS VERY EASY, THAT ALL WE HAD TO DO WAS HEAT UP THE OCEAN TO ITS BOILING POINT, THAT THE SUBMARINES WOULD THEN HAVE TO SURFACE, AND THAT OUR BATTLESHIPS WOULD PICK THEM OFF AS THEY SURFACED. THIS WAS A SOLUTION ALRIGHT, SAID THE ADMIRALS, BUT, THEY ASKED, HOW WOULD THEY BE EXPECTED TO GO ABOUT HEATING THE ATLANTIC TO BOILING TEMPERATURE? WILL ROGERS REPLIED: "THAT'S A DETAIL AND I DON'T DEAL WITH DETAILS. MY JOB IS TO ESTABLISH POLICY."

THE STORY HAS A MESSAGE, NOT ONLY FOR SCHOOL BOARDS IN SETTING POLICIES FOR ITS STAFF, BUT MOST PROFOUNDLY FOR THE JUDGES WHO, LIKE WILL ROGERS, ARE NEITHER NAVAL NOR SCHOOL ADMINISTRATIVE EXPERTS BUT WHO SET POLICY FOR SCHOOL BOARDS. TOO OFTEN, IMPORTANT POLICY IS INFLUENCED BY THOSE WHO ARE UNABLE TO COMPREHEND THAT THE POLICY MAY BE DIFFICULT OR IMPOSSIBLE OF EXECUTION. SUCH PRACTICE USUALLY CREATES A LARGER PROBLEM THAN

EA 003 577

THE ONE SOUGHT TO BE REMEDIED. TO ILLUSTRATE BY USING OUR STORY, I AM SURE THAT WILL ROGERS WOULD NOT HAVE GONE ALONG WITH THE ENVIRONMENTAL CRISIS WHICH WOULD HAVE RESULTED FROM BOILING THE OCEAN.

IT SHOULD BE UNDERSTOOD AT THE OUTSET THAT IN THE TIME ALLOWED, IT IS IMPOSSIBLE TO DO MORE THAN SUMMARIZE A FEW OF THE CHAPTERS IN ONE OF THE SEVERAL VOLUMES THIS SUBJECT MATTER COVERS. WE WILL CONCENTRATE ON THE VARIOUS COURT DECISIONS RELATING TO STUDENTS AND LEAVE THE DECISIONS INVOLVING TEACHERS, (WHICH ARE USUALLY BASED UPON AN INTERPRETATION OF EXISTING RULES AND STATUTES) TO ANOTHER VOLUME AT ANOTHER TIME.

IT SHOULD ALSO BE UNDERSTOOD THAT THE COURT DECISIONS UNDER CONSIDERATION RELATE PRIMARILY TO INTERPRETATIONS BY THE FEDERAL COURTS OF THE CONSTITUTION OF THE UNITED STATES RATHER THAN INTERPRETATIONS OF EXISTING RULES OR POLICIES OF A SCHOOL SYSTEM. IN OTHER WORDS, THE QUESTION USUALLY PRESENTED TO THE COURT IS WHETHER THE POLICY OR ACTION OF THE BOARD IS VALID UNDER THE CONSTITUTION - NOT THE MORE CLASSICAL JUDICIAL FUNCTION OF INTERPRETING WHAT THE POLICY MEANS. THIS IS THE AREA OF LITIGATION IN WHICH THERE HAS BEEN A VAST AND DRAMATIC INCREASE IN JUST THE PAST DECADE - AND THERE IS PROMISE OF MORE TO COME UNLESS SCHOOL BOARDS CAN LEARN TO COPE WITH THE PROBLEM.

THE JUDGES AND JUSTICES OF OUR COURTS WOULD QUICKLY DENY THAT THEY ARE POLICY MAKERS IN PUBLIC SCHOOL SYSTEMS AND WOULD ASSERT THAT THEIR DECISIONS MERELY PROTECT INDIVIDUAL RIGHTS GUARANTEED BY THE CONSTITUTION. HOWEVER, THE PERFORMANCE OF THE COURTS, AS EVERY SCHOOL BOARD MEMBER ACROSS THE LAND KNOWS, BELIES THE RHETORIC - AND WHEN WE EXAMINE THE FACTS, THE DISCLAIMER BY THE COURTS BECOMES A VERY THIN VENEER.

IT IS VERY CLEAR TO SCHOOL BOARD MEMBERS THAT WE HAVE GONE A LONG WAY FROM THE 1923 DECISION WHICH UPHELD, BY A DIVIDED COURT, A SCHOOL POLICY FORBIDDING GIRLS TO WEAR "TRANSPARENT HOSE" AND USE TALCUM POWDER ON THEIR FACES, TO A RECENT DECISION WHERE A FEDERAL JUDGE FELT CALLED UPON TO DECIDE THE POINT AT WHICH "FUZZ OR DOWN" ON THE UPPER LIP OF A YOUNG MAN BECOMES A MOUSTACHE, OR TO THE POINT WHERE A WRITER IN THE HARVARD LAW REVIEW CAN NOW MAKE THE STILL ASTOUNDING SUGGESTION THAT THE GRADE A STUDENT RECEIVES IS SUBJECT TO JUDICIAL SCRUTINY IF IT RESULTS IN DISMISSAL FROM SCHOOL.

TODAY, THE LAW BOOKS ARE REPLETE WITH DECISIONS BY FEDERAL JUDGES DECREEING SUCH VARYING DETAILS AS TO WHETHER AN ATHLETE IS DEPRIVED OF A CONSTITUTIONALLY PROTECTED RIGHT IF HE IS INELIGIBLE AFTER TRANSFER TO ANOTHER SCHOOL, WHETHER THE SCHOOLS MAY PROHIBIT GIRLS FROM WEARING SLACKS, UNDER WHAT CIRCUMSTANCES THE SCHOOL BOARD CAN HAVE THE FLAG OF THE UNITED STATES FLOWN AT HALF-MAST, WHETHER AND UNDER WHAT CIRCUMSTANCES CERTAIN COURSES MAY BE INCLUDED IN THE CURRICULUM, WHETHER FREE SPEECH GUARANTEES A STUDENT THE RIGHT TO WEAR A BLACK ARMBAND OR A FREEDOM BUTTON TO PROTEST THE VIET NAM WAR, WHETHER AN UNWED MOTHER MAY BE ALLOWED TO GO TO SCHOOL, WHETHER AND TO WHAT EXTENT THE "UNDERGROUND" STUDENT NEWSPAPER MAY BE REGULATED, WHETHER A STUDENT MAY BE REQUIRED TO SHAVE, AND IF SO, HOW MUCH, WHETHER A MEMBER OF A SCHOOL BAND MAY BE REQUIRED TO CUT HIS HAIR AS A CONDITION TO MARCHING WITH A BAND, OR WHETHER A FOOTBALL PLAYER AS OPPOSED TO JUST AN ORDINARY STUDENT MAY BE REQUIRED TO DO SO, OR WHETHER A SCHOOL SYSTEM CAN PROVIDE AN ATHLETIC PROGRAM FOR ONE CLASS OF STUDENTS (SUCH AS BOYS) TO THE EXCLUSION OF ANOTHER CLASS OF STUDENTS (SUCH AS GIRLS), THE COMPLEX QUESTION OF WHERE WE CAN BUILD SCHOOL BUILDINGS, WHETHER

SOME BUILDINGS MUST BE CLOSED AND IF SO WHICH ONES, WHETHER SCHOOL BUS TRANSPORTATION WILL BE PROVIDED AND ON WHAT BASIS, WHAT STUDENTS, AS WELL AS TEACHERS, WILL BE IN A CLASS - AND BY ALL THIS, THE COURTS HAVE NECESSARILY REGULATED WHAT BOARD MEMBERS AND STAFF PEOPLE WILL SPEND THEIR TIME DOING, HOW WE WILL SPEND SCHOOL FUNDS FOR GIVEN PURPOSES AND NECESSARILY, HOW WE WILL NOT SPEND OUR FUNDS, AND WHAT EDUCATIONAL PROGRAMS MAY BE EXPANDED OR RESTRICTED. AS AN ASIDE, BUT TO EMPHASIZE A POINT, YOU SHOULD BE BROUGHT UP TO DATE ON THE TEACHING OF EVOLUTION IN THE PUBLIC SCHOOLS. JUST FOUR YEARS AGO, IN 1967, ONE OF OUR STATE SUPREME COURTS RULED THAT STATE STATUTES ON THE SUBJECT OF TEACHING EVOLUTION IN SCHOOLS ARE CONSTITUTIONAL.

IN ALL THIS, THE COURTS HAVE BEFUDDLED AND BEWILDERED THEMSELVES, THE BEST LAWYERS IN THE COUNTRY AND SCHOOL BOARD MEMBERS, AND AS A LAWYER AS WELL AS A BOARD MEMBER, I SEE AN ELEMENT OF THE JUDICIARY SOLEMNLY KICKING THE PROVERBIAL TAR BABY WITH WRITS, CASES AND DECREES.

ALTHOUGH THERE IS RECENT EVIDENCE SUGGESTING A "STRATEGIC WITHDRAWAL" BY THE JUDGES FROM THE ADMINISTRATION OF SCHOOLS, IT MUST BE RECOGNIZED THAT INVOLVEMENT BY THE COURTS DID NOT COME ABOUT SIMPLY BY REASON OF A SHORTAGE OF JUDICIAL RESTRAINT. NOT TOO LONG AGO, FREE PUBLIC EDUCATION WAS STILL REGARDED AS A LUXURY IN WHICH THE INDIVIDUAL HAD NO ESTABLISHED RIGHTS. WE NOW HAVE A MUCH MORE COMPLEX SOCIETY AND EDUCATION IS AN ESSENTIAL INGREDIENT OF IT. SO BASIC IS THE NECESSITY OF HAVING SOME EDUCATION IN TODAY'S WORLD THAT THE OPPORTUNITY TO BE EDUCATED EASILY BECOMES A FUNDAMENTAL RIGHT WHICH SHOULD NOT BE DENIED BY ARBITRARY AND CAPRICIOUS ACTION OF SCHOOL AUTHORITIES. THUS, THE DECISIONS OF THE COURTS TODAY USUALLY FOCUS UPON THE BASIC QUESTION OF WHETHER OR

NOT THE ACTION OF THE SCHOOL SYSTEM IS "ARBITRARY, CAPRICIOUS OR UNREASONABLE" AS APPLIED TO A GIVEN SET OF FACTS AND CIRCUMSTANCES. IN SO DOING, THE COURTS HAVE USED THE CONSTITUTION AS THE JURISDICTIONAL BASIS FOR DECIDING THAT WHICH IS "UNREASONABLE" AND THEREFORE UNCONSTITUTIONAL. THE CONSTITUTION HAS NOW COME TO THE CLASSROOM AND IT HAS A NEW JUDICIOUSLY LEGISLATED PROVISION READING THAT "NO SCHOOL BOARD SHALL DEPRIVE A STUDENT OF EDUCATIONAL RIGHTS BY ACTION WHICH IS ARBITRARY, CAPRICIOUS OR UNREASONABLE."

WHILE THE FORMULA READS WELL, ANY INDIVIDUAL WHO DECREES AND SELECTS THAT WHICH IS "REASONABLE" AND THAT WHICH IS NOT, FREQUENTLY STEPS BEYOND THE LINE OF PROTECTING INDIVIDUAL RIGHTS AND PLUNGES INTO THE REALM OF POLICY MAKING.

THE COURTS HAVE SPENT MUCH TIME IN RECENT YEARS IN DEALING WITH STUDENT DISCIPLINE. THE DECISIONS IN THIS AREA HAVE SUBSTANTIALLY ERODED THE COMMON LAW DOCTRINE WHICH HELD THAT THE SCHOOL AUTHORITIES STOOD IN LOCO PARENTIS, OR IN PLACE OF THE PARENT, AND THAT IN SUCH POSITION, THE DECISION OF THE SCHOOL ADMINISTRATION WAS FINAL AND ABSOLUTE. THE DOCTRINE IS STILL VERY MUCH ALIVE AND IS OFTEN RELIED ON BY THE COURTS TO DISMISS AN ACTION - PROVIDED THE COURT AGREES THAT THE SCHOOL AUTHORITIES HAVE NOT DENIED SUBSTANTIAL RIGHTS BY ARBITRARY AND CAPRICIOUS ACTION.

THE SUPREME COURT OF THE UNITED STATES HAS DECIDED ONLY ONE CASE INVOLVING STUDENT DISCIPLINE RELATED TO SCHOOL DISRUPTION, AND AN UNDERSTANDING OF THAT DECISION PROVIDES THE GUIDE POSTS FOR MANY OF THE LOWER COURT DECISIONS IN RELATED AREAS. IN THE 1969 DECISION OF TINKER V. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT, THE POLICY PROVIDED THAT ANY STUDENT WEARING A BLACK

ARMBAND TO SCHOOL WOULD BE SUSPENDED UNTIL HE CAME TO SCHOOL WITHOUT THE ARM-BAND. THE STUDENTS CONTENDED THAT THE ARMBANDS WERE THEIR WAY OF PROTESTING THE VIET NAM WAR AND THAT THIS FORM OF EXPRESSION WAS PROTECTED BY THE FIRST AMENDMENT. AS ALL COURTS DO, THE SUPREME COURT LOOKED AT THE RECORD BEFORE IT AND FOUND NO SIGNIFICANT EVIDENCE THAT THE ARMBANDS RESULTED IN DISRUPTION OR THAT THREATS TO VIOLENCE OCCURRED. THERE WAS NOTHING BUT THE BARE FACT THAT THE HIGH SCHOOL STUDENTS WORE ARMBANDS AS A MEANS OF EXPRESSION. THE COURT CONCLUDED THAT THE REGULATION WAS SIMPLY AN ATTEMPT TO SUBDUE CONTRO-VERSY, THAT SCHOOLS ARE NOT A PLACE WHERE CONTROVERSY CAN BE ELIMINATED, AND IN THE ABSENCE OF SOME EVIDENCE THAT THE ARMBANDS "WOULD MATERIALLY AND SUB-STANTIALLY DISRUPT THE WORK AND DISCIPLINE OF THE SCHOOL", THE POLICY REGULATION WAS AN INFRINGEMENT ON FIRST AMENDMENT RIGHTS OF FREE SPEECH. IN THE OPINION OF THE COURT, IT IS CLEAR THAT THE COURT ENDEAVORED TO BALANCE THE RIGHTS OF THE INDIVIDUALS INVOLVED WITH THOSE OF THE SCHOOL AND OTHER STUDENTS. ANY CON-DUCT, SAID THE COURT, WHICH INVADES THE RIGHTS OF OTHERS, INTERFERES WITH THE EDUCATIONAL PROCESS, OR SUBVERTS THE PROPER ADMINISTRATION OF THE SCHOOL SHOULD NOT BE PERMITTED.

IN A RECENT DECISION FROM THE COURT OF APPEALS FOR THE FIFTH CIRCUIT, THE STUDENTS WERE WEARING AND DISTRIBUTING SO-CALLED FREEDOM BUTTONS AND THE EVIDENCE BEFORE THE COURT SHOWED THAT THIS WAS BEING DONE TO THE ACCOMPANIMENT OF COMMOTION, BOISTEROUS CONDUCT, COLLISION WITH THE RIGHTS OF OTHERS, AND UN-DERMINING OF AUTHORITY. THE COURT UPHELD THE DISMISSAL OF THE STUDENTS, SAYING THAT SUCH ACTION WAS NECESSARY TO MAINTAIN ORDER AND DISCIPLINE.

SIGNIFICANTLY, THE SAME COURT ON THE SAME DAY DECIDED ANOTHER FREEDOM BUTTON CASE AND REACHED THE OPPOSITE RESULT. HOWEVER, THE RECORD IN THAT CASE

DID NOT REVEAL ANY EVIDENCE OF SCHOOL DISRUPTION, INTERRUPTION OF CLASSES, UNDERMINING OF AUTHORITY, ETC., AND LIKE TINKER, THERE WAS NOTHING BEFORE THE COURT OTHER THAN A NAKED PROHIBITION AGAINST EXPRESSION OF A POINT OF VIEW. CONSEQUENTLY, THE EXPULSIONS OF THE STUDENTS WAS "ARBITRARY AND UNREASONABLE AND AN UNNECESSARY INFRINGEMENT ON STUDENTS' PROTECTED RIGHT OF FREE EXPRESSION."

THE LESSON TO BE LEARNED FROM THESE DECISIONS IS THAT FIRST AMENDMENT RIGHTS OF FREE SPEECH ARE PARAMOUNT UNTIL THEY INTERFERE WITH SOMETHING ELSE. SCHOOL BOARD POLICIES SHOULD THEREFORE BE DESIGNED TO APPLY AT THAT POINT WHERE CONDUCT BEGINS TO INTERFERE WITH SOMETHING ELSE - THE EDUCATIONAL PROGRAM OR THE RIGHTS OF OTHERS. IF A STUDENT IS EXERCISING A FORM OF EXPRESSION AND BOTHERING NO ONE, AND MAINTAINING HIS OWN EDUCATION, THERE WOULD NOT SEEM TO BE ANY REASON FOR DISCIPLINARY ACTION. HOWEVER, IF HE DOES INTERFERE WITH THE RIGHTS OF OTHERS, THEN DISCIPLINARY ACTION SHOULD BE TAKEN. HOWEVER, IN SUCH CASE, A SCHOOL BOARD SHOULD NOT NEGLECT TO GET INTO THE RECORD THE EVIDENCE OF HOW THE CONDUCT INTERFERED, OR PRESENTED A REAL DANGER THAT IT WOULD, WITH THE EDUCATIONAL PROCESS, THE RIGHTS OF THE SCHOOL, OR THE RIGHTS OF OTHERS.

NOTHING HAS ENJOYED SO MUCH LITIGATION (OR POLICY MAKING) LATELY AS LONG HAIR. THERE ARE A MULTITUDE OF DECISIONS IN THIS AREA, MOST OF THEM SINCE THE BEATLES AND WITHIN THE PAST YEAR. EVERY CONCEIVABLE DRESS CODE HAS BEEN BEFORE THE COURTS AND THE COURTS HAVE REACHED SOME PRETTY INTERESTING RESULTS. THE SUPREME COURT HAS NOT YET DECIDED JUST HOW LONG HAIR MAY BE, AND PROBABLY WILL NOT, BUT THE LOWER COURTS HAVE BEEN BUSY KICKING THE TAR BABY. IN ONE DECISION, THE COURT HELD THAT A BAND MEMBER MAY BE REQUIRED TO CUT HIS HAIR BECAUSE UNIFORMITY IN APPEARANCE IS IMPORTANT WHEN THE BAND PERFORMS, BUT EXPRESSED

JUDICIAL DOUBT THAT THE CONSIDERATION WOULD APPLY TO AN ORDINARY STUDENT. ANOTHER COURT HELD THAT IT WAS "UNREASONABLE" FOR A SCHOOL BOARD TO REQUIRE A "REASONABLE" HAIR LENGTH, AND STILL ANOTHER COURT HELD THAT A BOARD POLICY SPECIFYING THAT HAIR WHICH WAS "TOO LONG", OR WHICH MUST BE "APPROPRIATELY CUT" WAS VOID FOR INDEFINITENESS - AND THE COURT HAD A POINT.

IT IS IMPOSSIBLE TO RECONCILE THE MANY DECISIONS ABOUT LONG HAIR AND DRESS CODES BUT SUPRISINGLY ENOUGH, FAR MORE DECISIONS UPHOLD SCHOOL DRESS CODES THAN NOT. APPARENTLY, THOSE THAT REJECT THE DRESS CODE GET MOST OF THE PUBLICITY. THERE ARE THREE NOTABLE DECISIONS WHICH REFLECT THE DIVIDED OPINION ABOUT THE LENGTH OF HAIR AND DRESS IN GENERAL AND WE WILL CONSIDER THOSE.

IN 1969, THE COURT OF APPEALS DECIDED THE WISCONSIN CASE OF A STUDENT NAMED BREEN VERSUS PRACTICALLY ALL THE SCHOOL OFFICIALS IN THE STATE OF WISCONSIN, CONCERNING BREEN'S LONG HAIR. THE REGULATION PROVIDED THAT HAIR WOULD BE WORN SO THAT IT DID NOT HANG OVER THE EARS OR OVER THE COLLAR LINE, AND THAT IT MUST BE ABOVE THE EYEBROWS. BOYS HAD TO BE CLEAN SHAVEN WITHOUT LONG SIDEBURNS. BREEN AND A FRIEND VIOLATED THE REGULATION AND WERE EXPELLED.

THE COURT, BY A VOTE OF TWO TO ONE, FOUND THE REGULATION UNCONSTITUTIONAL AND REVERSED THE EXPULSIONS. THE COURT REASONED THAT THERE WAS NO EVIDENCE THAT THE LONG HAIR CONSTITUTED A HEALTH HAZARD OR DANGER TO ANY PERSON, OR THAT IT CAUSED ANY DISRUPTION OR DISTURBANCE. THEREBY, THE COURT DISTINGUISHED A CASE FROM THE FIFTH CIRCUIT WHICH UPHELD A VERY SIMILAR DRESS CODE BECAUSE IN THAT CASE THERE WAS EVIDENCE THAT THE LONG HAIR CREATED DISTURBANCES AND PROBLEMS DURING SCHOOL HOURS, SUCH AS SOME OF THE STUDENTS DIRECTING THE LONG HAIRED BOYS TO THE GIRLS RESTROOM. FURTHER, THE COURT SAID THAT LOCO

PARENTIS DID NOT APPLY BECAUSE THE PARENTS THEMSELVES HAD OBVIOUSLY ACQUIESCED IN THE HAIR LENGTHS.

IT WAS INTERESTING FROM A PURELY LEGAL STANDPOINT TO SEE THE COURT THRASH ABOUT IN TRYING TO FIND A CONSTITUTIONAL PROVISION WHICH WOULD GIVE THE FEDERAL COURT JURISDICTION TO DECIDE THAT LONG HAIR IS A FEDERALLY PROTECTED RIGHT. IT OBVIOUSLY DID NOT REPRESENT FREE SPEECH, INVOLUNTARY SERVITUDE, LACK OF DUE PROCESS, EQUAL PROTECTION OF THE LAWS, ETC., AS SET FORTH IN THE BILL OF RIGHTS. SO THE COURT CONCLUDED THAT THE CASE OF GRISWOLD VS. CONNECTICUT, A 1965 DECISION OF THE SUPREME COURT, APPLIED. THIS WAS THE CASE WHICH HELD THAT ALTHOUGH NONE OF THE BILL OF RIGHTS SAID ANYTHING ABOUT BIRTH CONTROL, THE RIGHT TO USE CONTRACEPTIVES WAS PART OF MARITAL PRIVACY AND THEREFORE WITHIN THE "PENUMBRA" (A NEW LEGAL TERM) OF RIGHTS PROTECTED BY THE BILL OF RIGHTS. IT NATURALLY AND LOGICALLY FOLLOWED, ACCORDING TO THE COURT, THAT LONG HAIR WAS ALSO WITHIN THE PENUMBRA OF THIS NEW FIELD OF CONSTITUTIONAL PROTECTION.

I FELT THAT THE JUDGE WHO DISSENTED FROM THE DECISION CARRIED THE DAY BY POINTING OUT TO THE OTHER JUDGES THAT THERE IS A DECIDED AND APPRECIABLE DIFFERENCE BETWEEN THE PRACTICE OF BIRTH CONTROL AND THE WEARING OF LONG HAIR, AND ADDED THE OBSERVATION,

> "IN THE CASE AT BAR, THERE IS NO EVIDENCE THAT APPELLEE'S LONG HAIR HAD ANY "PENUMBRAL" CHARACTERISTICS."

THE DISSENTING JUDGE CONCLUDED:

> "IF THE DISTRICT JUDGE IS TO BE THE ARBITER OF THE LENGTH AND STYLE OF HAIR AND OF VARIOUS

OTHER ITEMS AND PRACTICES INCLUDED IN SCHOOL REGULATIONS, HE WILL HAVE LITTLE OR NO TIME TO TAKE CARE OF ORDINARY FEDERAL COURT BUSINESS."

TYPICAL OF THOSE CASES WHICH UPHOLD HAIR REGULATIONS AND DRESS CODES IS THE 1970 DECISION OF JACKSON V. DORRIER, DECIDED BY THE COURT OF APPEALS FOR THE SIXTH CIRCUIT. THERE, THE DRESS CODE WAS VERY SIMILAR TO THE ONE IN THE BREEN CASE WITH THE PROVISION THAT STUDENTS "SHALL OBSERVE MODESTY, APPROPRIATENESS, AND NEATNESS IN CLOTHING AND PERSONAL APPEARANCE", BUT ADDED "A STUDENT IS NOT APPROPRIATELY DRESSED IF HE IS A DISTURBING INFLUENCE IN CLASS OR SCHOOL BECAUSE OF HIS MODE OF DRESS."

THE PLAINTIFFS WERE IN VIOLATION OF THAT POLICY WITH EITHER LONG HAIR, MOUSTACHES OR A BEARD AND WERE REFUSED ADMISSION TO THE SCHOOL. THE BOYS WERE MEMBERS OF A COMBO GROUP AND THEY CONTENDED THAT THE REGULATION WAS VOID BECAUSE OF VAGUENESS AND THAT THEY WERE BEING DENIED DUE PROCESS AS WELL AS OTHER CONSTITUTIONAL RIGHTS.

THE EVIDENCE BEFORE THE COURT INCLUDED THE TESTIMONY OF TEACHERS WHO STATED THAT THE LONG HAIR WAS A DISTRACTING INFLUENCE, THAT THE BOYS WERE "CONSTANTLY COMBING, FLIPPING, LOOKING IN MIRRORS AND REARRANGING THEIR HAIR" WHICH INTERFERED WITH OTHER STUDENTS IN CLASSROOM INSTRUCTION. A SHOP INSTRUCTOR SAID LONG HAIR WAS DANGEROUS IN THE SHOP. ANOTHER TEACHER SAID SHE HAD TO TELL THE BOYS EVERY DAY THAT HER CLASSROOM WAS NOT A BEAUTY PARLOR. SOME OF THE OTHER STUDENTS HAD THREATENED TO DO SOME HAIRCUTTING ON THE PLAINTIFFS.

THE COURT HELD THAT THE POLICY WAS VALID. IN SO DOING, THE COURT RELIED ON THE TINKER DECISION, THE FACT THAT THE REGULATION WAS SHOWN BY THE

EVIDENCE TO HAVE A REASONABLE CONNECTION WITH THE SUCCESSFUL OPERATION OF AN EDUCATIONAL SYSTEM AND CONCLUDED THAT NO CONSTITUTIONAL RIGHTS WERE VIOLATED. IN SO HOLDING, THE COURT OBSERVED:

> "JUDICIAL INTERPOSITION IN THE OPERATION OF THE PUBLIC SCHOOL SYSTEM. . .RAISES PROBLEMS REQUIRING CARE AND RESTRAINT. . . .BY AND LARGE, PUBLIC EDUCATION IN OUR NATION IS COMMITTED TO THE CONTROL OF STATE AND LOCAL AUTHORITIES. COURTS DO NOT AND CANNOT INTERVENE IN THE RESOLUTION OF CONFLICTS WHICH ARISE IN THE DAILY OPERATION OF SCHOOL SYSTEMS AND WHICH DO NOT DIRECTLY AND SHARPLY IMPLICATE BASIC CONSTITUTIONAL VALUES."

WE HAVE SOME INDICATION THAT WE MAY SEE LESS LITIGATION IN THE AREA OF SCHOOL DRESS CODES PROVIDED BOARDS THEMSELVES EXERCISE SOUND REASON. JUST TWO MONTHS AGO, JUSTICE HUGO BLACK OF THE SUPREME COURT WAS ASKED TO DISSOLVE A STAY OF AN INJUNCTION AGAINST THE SCHOOL DRESS CODE. IN REFUSING TO DO SO, JUSTICE BLACK WROTE:

> ."I REFUSE TO HOLD FOR MYSELF THAT THE FEDERAL COURTS HAVE CONSTITUTIONAL POWER TO INTERFERE IN THIS WAY WITH THE PUBLIC SCHOOL SYSTEM OPERATED BY THE STATES. AND I FURTHERMORE REFUSE TO PREDICT THAT OUR COURT WILL HOLD THEY HAVE SUCH POWER. . . .THE MOTION IN THIS CASE IS PRESENTED TO ME IN A RECORD OF MORE THAN 50 PAGES, NOT COUNTING A NUMBER OF EXHIBITS. THE WORDS USED THROUGHOUT THE RECORD SUCH AS

"EMERGENCY MOTION" AND "HARASSMENT" AND "IRREPARABLE DAMAGES" ARE CALCULATED TO LEAVE THE IMPRESSION THAT THIS CASE OVER THE LENGTH OF HAIR HAS CREATED OR IS ABOUT TO CREATE A GREAT NATIONAL "CRISIS." I CONFESS MY INABILITY TO UNDERSTAND HOW ANYONE WOULD THUS CLASSIFY THIS HAIR LENGTH CASE. THE ONLY THING ABOUT IT THAT BORDERS ON THE SERIOUS TO ME IS THE IDEA THAT ANYONE SHOULD THINK THE FEDERAL CONSTITUTION IMPOSES ON THE UNITED STATES COURTS THE BURDEN OF SUPERVISING THE LENGTH OF HAIR THAT PUBLIC SCHOOL STUDENTS SHOULD WEAR. THE RECORDS OF THE FEDERAL COURTS, INCLUDING OURS, SHOW A HEAVY BURDEN OF LITIGATION IN CONNECTION WITH CASES OF GREAT IMPORTANCE - THE KIND OF LITIGATION OUR COURTS MUST BE ABLE TO HANDLE IF THEY ARE TO PERFORM THEIR RESPONSIBILITY TO OUR SOCIETY. MOREOVER, OUR CONSTITUTION HAS SOUGHT TO DISTRIBUTE THE POWERS OF GOVERNMENT IN THE NATION BETWEEN THE UNITED STATES AND THE STATES. SURELY THE FEDERAL JUDICIARY CAN PERFORM NO GREATER SERVICE TO THE NATION THAN TO LEAVE THE STATES UNHAMPERED IN THE PERFORMANCE OF THEIR PURELY LOCAL AFFAIRS. SURELY FEW POLICIES CAN BE THOUGHT OF IN WHICH STATES ARE MORE CAPABLE OF DECIDING THAN THE LENGTH OF HAIR OF SCHOOL BOYS. THERE CAN, OF COURSE, BE HONEST DIFFERENCES OF OPINION AS TO WHETHER ANY GOVERNMENT, STATE OR FEDERAL, SHOULD AS A MATTER OF PUBLIC POLICY REGULATE THE LENGTH OF HAIR CUTS, BUT IT

WOULD BE DIFFICULT TO PROVE BY REASON, LOGIC OR COMMON SENSE, THAT THE FEDERAL JUDICIARY IS MORE COMPETENT TO DEAL WITH HAIR LENGTH THAN ARE THE LOCAL SCHOOL AUTHORITIES AND STATE LEGISLATURES OF ALL OUR 50 STATES. PERHAPS IF THE COURTS WILL LEAVE THE STATES FREE TO PERFORM THEIR OWN CONSTITUTIONAL DUTIES THEY WILL AT LEAST BE ABLE SUCCESSFULLY TO REGULATE THE LENGTH OF HAIR THEIR PUBLIC SCHOOL STUDENTS CAN WEAR."

WHAT WE ARE PROBABLY SEEING HERE IS AN INVITATION BY THE COURT TO SCHOOL BOARDS TO ACT WITH RESPONSIBILITY IN CASES OF STUDENT DISCIPLINE WITH THE RESULT THAT THE COURTS WILL LEAVE US ALONE. AS ONE FEDERAL JUDGE PUT IT, THERE IS NO CONSTITUTIONAL PROHIBITION AGAINST EXERCISING A LITTLE COMMON SENSE AND JUDGMENT BEFORE COMING INTO COURT WITH FLAGS WAVING AND BANNERS UNFURLED. CONSEQUENTLY, I THINK THAT IF SCHOOL BOARDS CAN AVOID PLACING THEMSELVES IN THE POSITION OF EXPELLING ABE LINCOLN FROM SCHOOL SOLELY BECAUSE OF HIS HAIR AND TAKE DISCIPLINARY ACTION WHEN IT IS REASONABLY NECESSARY TO MAINTAIN A PROPER EDUCATIONAL ENVIRONMENT, THEN WE WILL REACH A TRUCE WITH THE COURTS.

WITH RESPECT TO UNDERGROUND NEWSPAPERS, THE FEW DECISIONS WE HAVE ESTABLISH THAT THE COURTS WILL BE GUIDED BY THE GENERAL PRINCIPLES SET FORTH EARLIER. IT IS CLEAR THAT THE BOARD CANNOT CENSOR A PAPER, OR DICTATE ITS CONTENTS. NEVERTHELESS, APPROPRIATE ACTION CAN BE TAKEN WHERE THE PUBLICATION IS LIBELOUS OR IN VIOLATION OF OBSCENITY LAWS. IT IS ALSO CLEAR THAT PUBLICATION

AND DISTRIBUTION MAY BE CURTAILED WHERE IT IS SHOWN THAT THE CONTENT HAS A DISRUPTIVE INFLUENCE, INTERFERES WITH THE SCHOOL PROGRAM OR DETRACTS FROM A WHOLESOME ENVIRONMENT. HOWEVER, THE BOARD MAY NOT REGULATE A PUBLICATION SOLELY BECAUSE IT ESPOUSES A POINT OF VIEW NOT OF ITS LIKING.

IN TAKING DISCIPLINARY ACTION, THE BOARD MUST ACCORD THE STUDENT "DUE PROCESS" AS A PROCEDURAL MATTER. IF ALL OF THE DECISIONS IN THIS AREA ARE ANALYZED, IT BECOMES CLEAR THAT THE COURTS ARE NOT TALKING ABOUT A FULL FLEDGED ADVERSARY PROCEEDING AKIN TO A CRIMINAL COURT PROCEEDING. "THE TOUCHSTONES IN THIS AREA", SAID ONE COURT, "ARE FAIRNESS AND REASONABLENESS."

THE COURTS HAVE RECOGNIZED THAT MATTERS OF DAY TO DAY CONFLICT IN A SCHOOL MUST BE HANDLED BY THE PRINCIPAL AND SOMETIMES IN SUMMARY FASHION. WHERE THE PENALTY IS OF A MINOR NATURE, SUCH AS A SHORT SUSPENSION, NO FORMAL PROCEDURE IS REQUIRED. THE DOCTRINE OF LOCO PARENTIS STILL APPLIES. BUT WHERE THE PENALTY IS MORE SEVERE, SUCH AS SUSPENSION FOR A SUBSTANTIAL PERIOD OF TIME OR PERMANENT EXPULSION, BASIC FAIRNESS REQUIRES NOTICE TO THE STUDENT AND A HEARING.

IT IS NOT REQUIRED THAT THE STUDENT BE IN VIOLATION OF A WRITTEN POLICY OR REGULATION UNLESS THE OFFENSE IS SUCH THAT THE STUDENT COULD NOT REASONABLY EXPECT THAT THE SPECIFIC CONDUCT WOULD BE PROHIBITED.

I KNOW OF NO DECISION REQUIRING WRITTEN NOTICE TO THE STUDENT OF THE CHARGE AGAINST HIM SO LONG AS THE STUDENT IS MADE REASONABLY AWARE OF WHAT HE IS ACCUSED AND THE POSSIBLE CONSEQUENCES OF IT. IT IS VERY IMPROBABLE, FOR EXAMPLE, THAT THE BOARD MUST FURNISH A STUDENT WITH A WRITTEN STATEMENT OF CHARGES WHERE THE STUDENT HAS LED A STUDENT RIOT OR TAKEN OVER THE SCHOOL BUILDING. HOWEVER, IT IS GOOD PRACTICE TO PUT THE CHARGES IN WRITING AND

THEREFORE AVOID HAVING TO BATTLE THE CONTENTION THAT REASONABLE NOTICE WAS NOT GIVEN.

CERTAIN A STUDENT MUST BE GIVEN THE OPPORTUNITY TO PRESENT HIS OWN EVIDENCE THROUGH HIS OWN WITNESSES. WHETHER THE STUDENT IS ENTITLED TO HAVE AN ATTORNEY PRESENT IS A SUBJECT OF JUDICIAL DEBATE BUT IF A STUDENT WANTS TO BRING HIS ATTORNEY, THERE APPEARS TO BE NO GOOD REASON WHY HE SHOULD BE EXCLUDED FROM THE HEARING. THERE IS NO CONSTITUTIONAL REQUIREMENT THAT TESTIMONY BE TAKEN IN ADVERSARY COURT FASHION. UNLESS GOOD REASON APPEARS TO THE CONTRARY, A STUDENT SHOULD BE APPRISED OF THE WITNESSES AGAINST HIM. NEITHER IS THERE ANY ESTABLISHED CONSTITUTIONAL RIGHT TO CROSS EXAMINE WITNESSES, BUT AGAIN, THERE WOULD SEEM TO BE NO GOOD REASON WHY THIS SHOULD BE ALLOWED. IN SHORT, AN INFORMAL BUT FAIR HEARING, BEFORE AN IMPARTIAL HEARING BODY OR OFFICER IS ALL THAT IS CONSTITUTIONALLY REQUIRED. ANY SUCH HEARING SHOULD BE DESIGNED TO ARRIVE AT THE TRUTH AND AVOID THE ELEMENTS OF AN INQUISITION.

IN THE PAST THREE YEARS, THE COURTS HAVE SET MORE POLICY WITH RESPECT TO SCHOOLS ON THE DESEGREGATION QUESTION THAN ANYTHING ELSE IN THE HISTORY OF OUR COUNTRY. FOR THIRTEEN YEARS AFTER THE BROWN DECISION, THE LOWER COURTS CONSISTENTLY TOLD SCHOOL BOARDS AROUND THE COUNTRY THAT THE COMPULSION OF BROWN WAS A COMPULSION TO DISREGARD RACE IN THE ASSIGNMENT OF CHILDREN TO PUBLIC SCHOOLS BECAUSE IT WAS DISCRIMINATORY TO DO SO. AS LATE AS 1967, A FEDERAL DISTRICT COURT HELD THAT A BUSSING PLAN WAS UNCONSTITUTIONAL UNDER THE BROWN DECISION.

AFTER TALKING ABOUT DISCRIMINATION FOR THIRTEEN YEARS, WE BEGAN HEARING ABOUT SOME VAGUE DISTINCTION BETWEEN DE FACTO AND DE JURE, A CONCEPT

WHICH SOMETIMES HELD AS ITS PREMISE, THAT FORCED INTEGRATION WAS NECESSARY TO QUALITY EDUCATION IN ONE CASE BUT NOT IN THE OTHER. WE THEN HEARD FROM SOME AUTHORITIES THAT THE DISTINCTION WAS REALLY ONE WITHOUT A DIFFERENCE.

AFTER THE COURTS KICKED THESE IDEAS AROUND FOR AWHILE, THE SUPREME COURT COINED THE TERM "UNITARY SCHOOL", STATED THAT THIS WAS A SCHOOL IN WHICH NO STUDENT IS TO BE EFFECTIVELY EXCLUDED BECAUSE OF RACE OR COLOR, DECLARED THAT THERE WAS EITHER REAL OR SUPPOSED CONFUSION IN THIS AREA WHICH SHOULD BE CLARIFIED, - AND WENT ON VACATION.

THE LOWER COURTS THEN PROCEEDED TO ATTACK THE PROBLEM WITH A FRENZY NEVER BEFORE SEEN IN AMERICAN JURISPRUDENCE. GENERALLY SPEAKING, THE LOWER COURTS HELD, WITH SOME FEW EXCEPTIONS, THAT A UNITARY SCHOOL WAS EXACTLY WHAT THE SUPREME COURT HAD SAID IT WAS NOT, I.E., SCHOOLS WHEREIN CHILDREN WOULD BE EXCLUDED FROM SCHOOLS BECAUSE OF RACE OR COLOR IF IT FOSTERED INTEGRATION. A FLOOD OF DECISIONS GAVE SCHOOL BOARDS ACROSS THE COUNTRY DEFINITIONS OF A UNITARY SCHOOL SYSTEM WHICH WERE SIMILAR ONLY IN THE FACT THAT THEY WERE DIFFERENT - AND THE MANY VARIED CONCEPTS HAD TO BE ACCOMPLISHED IMMEDIATELY. IN ONE MONTH, THREE FEDERAL JUDGES IN VIRGINIA GAVE THREE SCHOOL DISTRICTS THREE DIFFERENT DEFINITIONS OF A UNITARY SCHOOL SYSTEM. ONE COURT OF APPEALS IN ONE DAY FOUND THAT THREE DIFFERENT SCHOOL SYSTEMS MUST ACCOMPLISH THE ELUSIVE CONCEPT IN THREE DIFFERENT WAYS. ACCORDING TO ONE JUDGE, THE CONCEPT WAS MET BY A COMPUTERIZED NEIGHBORHOOD SCHOOL ATTENDANCE ZONE WHILE ANOTHER HELD THAT RIVERS AND CREEKS MIGHT BE AN APPROPRIATE BOUNDARY WITH SOME CONSIDERATION BEING GIVEN FOR WHERE THE CHILDREN LIVED. STILL ANOTHER JUDGE SAID THAT HE COULD NOT FIND NOTHING IN THE CONSTITUTION WHICH MADE HIM A SCHOOL SUPERINTENDENT BUT THEN WROTE AN OPINION WHEREIN HE SAID THAT "NO ARMY IS STRONGER THAN AN IDEA WHOSE TIME HAS

COME" AND PROCEEDED TO FORMULATE ONE OF THE MOST COMPREHENSIVE BUSSING - RATIO ORDERS IN THE COUNTRY. OTHER JUDGES FOUND THAT THE CONSTITUTION WAS SATISFIED BY A RACIAL BALANCE IN THE TEACHING STAFF AND AS A CONSEQUENCE, THOUSANDS OF TEACHERS WERE TRANSFERRED IN THE MIDDLE OF THE LAST SCHOOL YEAR. ANOTHER JUDGE FOUND THAT HIS DECISION WAS SOMEWHAT DEPENDENT UPON THE TIME OF THE YEAR, A DECLARATION WHICH REVEALED THE LACK OF LEGAL BEDROCK TO SUSTAIN THE DECISION. THE FOURTH CIRCUIT FINALLY RULED IN A DECISION SPLIT THREE WAYS, THE SAME COURT HAVING THREE DIFFERENT IDEAS OF WHAT CONSTITUTES A UNITARY SCHOOL SYSTEM, THAT A SCHOOL BOARD HAD TO DO WHAT WAS "REASONABLE," AN IDEA WHICH MANY SCHOOL BOARD MEMBERS OF HIGH CALIBRE AND INTEGRITY THOUGHT WAS THE CASE ALL ALONG. MORE THAN ONE DISTRICT COURT JUDGE WAS HEARD TO CALL HIS OWN DECISION "RIDICULOUS" OR ILL-ADVISED, BUT FELT COMPELLED BY HIGHER COURTS.

THROUGH IT ALL, THERE IS AND WAS AN ATMOSPHERE OF ALMOST HYSTERICAL FRENZY AND A TENDENCY TO JUDGE SITUATIONS WITHOUT CONSIDERATION OF THE FACTS. IT MUST BE FAIRLY SAID THAT MANY OF OUR JUDGES APPROACHED THE PROBLEM WITH THE SAME GRACE AND POISE, AND WITH THE SAME APPRECIATION AND PERCEPTIVENESS OF THE COMPLEXITIES INVOLVED, AS A BRAHMA BULL ATTEMPTING TO DO "SWAN LAKE" IN A CHINA SHOP.

AS OF THIS WRITING, THE SUPREME COURT HAS NOT YET ELABORATED ON ITS DEFINITION OF A UNITARY SCHOOL SYSTEM - AND SCHOOL BOARDS AROUND THE COUNTRY ARE ANXIOUSLY AWAITING ITS DECISION. IN THE MEANTIME, COURTS ARE INFLUENCING SCHOOL ADMINISTRATION POLICY LIKE NEVER BEFORE.

WITHOUT QUESTION, SCHOOL SYSTEMS SHOULD BE PROHIBITED FROM IRRATIONAL METHODS WHICH ARE DISCRIMINATORY SUCH AS WAS THE CASE IN GREEN V. NEW KENT COUNTY. HOWEVER, IT DOES NOT FOLLOW THAT THEY SHOULD BE REQUIRED TO GO FROM

ONE IRRATIONAL PRACTICE TO ANOTHER. NOR DOES IT FOLLOW THAT SCHOOL CHILDREN SHOULD BE USED IN A QUESTIONABLE ATTEMPT TO SOLVE A PROBLEM ROOTED IN THE ADULT COMMUNITY, OR THAT THE JUDICIARY SHOULD BE CALLED UPON TO ENFORCE AN IMPOSSIBLE SYMMETRY IN HUMAN LIFE. HOPEFULLY, THE UPCOMING SUPREME COURT DECISION WILL REMOVE THE UNCERTAINTIES WHICH HAVE EFFECTIVELY HAMSTRUNG MANY SCHOOL BOARDS ACROSS THIS COUNTRY AND PROVIDE SOME REASONABLE GUIDELINES.

IN SUM AND SUBSTANCE, THERE ARE MANY JUDGES IN OUR COUNTRY WHO WOULD LIKE TO GET OUT OF THE SCHOOL BUSINESS. THERE IS GROWING AWARENESS IN THE JUDICIARY THAT THE PROBLEMS OF SCHOOL POLICY MAKING ARE BEST LEFT TO THOSE WHO ARE CHARGED WITH THE RESPONSIBILITY OF ADMINISTERING THE SCHOOLS. AS A CONSEQUENCE, SOME JUDGES ARE SAYING THAT THEY ARE NOT ABOUT TO BECOME THE SUPERVISORS OF SCHOOL SUPERINTENDENTS OR SCHOOL BOARDS, OR THAT THE SOONER THEY GET OUT OF SCHOOL AFFAIRS AND BACK TO HANDLING THE PRESSING PROBLEMS OF THE JUDICIARY, THE BETTER - AND NOW THESE JUDGES HAVE AN OPINION FROM A SUPREME COURT JUSTICE WHICH PROVIDES THEM WITH A CRACK IN THE EXIT DOOR. THIS IS IN THE RIGHT AND PROPER DIRECTION, NOT ONLY BECAUSE OF THE CONSIDERATIONS WE HAVE DISCUSSED, BUT ALSO BECAUSE THE COURTS, BY THEIR VERY STRUCTURE AND NATURE, CANNOT BE THE ARBITERS OF PUBLIC SCHOOL OPERATION.

THE TASK IS OURS TO COMPLEMENT THE INCLINATION OF THE JUDICIARY. WE MUST EXERCISE SOME SOUND REASON IN THE CONDUCT OF OUR AFFAIRS AS SCHOOL PEOPLE, REMEMBER THAT WE ARE DEALING WITH PEOPLE WITH VERY IMPORTANT RIGHTS, AND WHEN ACTION IS TAKEN, BE PREPARED TO SHOW THAT THE ACTION IS NOT ARBITRARY BUT WAS

TAKEN WITH REASONED CONSIDERATIONS IN MIND AND GENERALLY DIRECTED TOWARD OUR INTERESTS OF OPERATING AN EDUCATIONAL SYSTEM. WE MUST KEEP IN MIND THE MAXIM THAT-ABSURD CASES MAKE BAD LAW - AND SUBSTITUTE COMMON SENSE FOR FLAG WAVING BEFORE GOING INTO COURT. IN THIS WAY, WE CAN PAVE THE WAY FOR THE EXODUS OF THE COURTS FROM THE AFFAIRS OF SCHOOL SYSTEMS. HOWEVER, WE MUST REALIZE ALSO THAT THE COURTS ARE AVAILABLE, AND WILL REMAIN SO, WHERE A SCHOOL SYSTEM FAILS TO ACT WITH RESPONSIBILITY.

FINALLY, I WOULD LIKE TO LEAVE WITH YOU A LITTLE THING COPYRIGHTED BY THE UPDEGRAFF PRESS ENTITLED, "LOOK FOR MORE TROUBLES" BUT PERHAPS OUGHT TO BE RENAMED "AN ODE TO SCHOOL BOARD MEMBERS":

"BE THANKFUL FOR THE TROUBLES OF YOUR JOB. THEY PROVIDE ABOUT HALF YOUR INCOME. BECAUSE IF IT WERE NOT FOR THE THINGS THAT GO WRONG, THE DIFFICULT PEOPLE YOU HAVE TO DEAL WITH, AND THE PROBLEMS AND UNPLEASANTNESSES OF YOUR WORKING DAY, SOMEONE COULD BE FOUND TO HANDLE YOUR JOB FOR HALF OF WHAT YOU ARE BEING PAID.

IT TAKES INTELLIGENCE, RESOURCEFULNESS, PATIENCE, TACT AND COURAGE TO MEET THE TROUBLES OF ANY JOB. THAT IS WHY YOU HOLD YOUR PRESENT JOB. AND IT MAY BE THE REASON YOU AREN'T HOLDING DOWN AN EVEN BIGGER ONE."

IF ALL OF US WOULD START TO LOOK FOR MORE TROUBLES, AND LEARN TO HANDLE THEM CHEERFULLY AND WITH GOOD JUDGMENT, AS OPPORTUNITIES RATHER THAN IRRITATIONS, WE WOULD

FIND OURSELVES GETTING AHEAD AT A SURPRISING RATE. FOR IT IS A FACT THAT THERE ARE PLENTY OF BIG JOBS WAITING FOR MEN AND WOMEN WHO AREN'T AFRAID OF THE TROUBLES CONNECTED WITH THEM."

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